

E-filing

FILED
MAR 13 2008 PM 2:55
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

Name POPE ANTHONY L.
(Last) (First) (Initial)

Prisoner Number J-18522
CSP-Solano 1-244-U
Institutional Address P.O. BOX 4000
Vacaville, CA 95696-4000

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Anthony Lashawn Pope
(Enter the full name of plaintiff in this action.)

vs. Anthony L. Pope

D.K. Sisto

(Enter the full name of respondent(s) or jailor in this action)

CV 08

Case No. 1502
(To be provided by the clerk of court)

PETITION FOR A WRIT
OF HABEAS CORPUS

CRB

(PR)

Read Comments Carefully Before Filling In

When and Where to File

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your petition will likely be transferred to the district court for the district that includes the institution where you are confined. Habeas L.R. 2254-3(b).

Who to Name as Respondent

You must name the person in whose actual custody you are. This usually means the Warden or jailor. Do not name the State of California, a city, a county or the superior court of the county in which you are imprisoned or by whom you were convicted and sentenced. These are not proper respondents.

If you are not presently in custody pursuant to the state judgment against which you seek relief but may be subject to such custody in the future (e.g., detainees), you must name the person in whose custody you are now and the Attorney General of the state in which the judgment you seek to attack was entered.

A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

1. What sentence are you challenging in this petition?

- (a) Name and location of court that imposed sentence (for example; Alameda County Superior Court, Oakland):

Solano County Superior Ct. ?

Court

Location

- (b) Case number, if known ?
- (c) Date and terms of sentence ?

- (d) Are you now in custody serving this term? (Custody means being in jail, on parole or probation, etc.) Yes ✓ No

Where? CSP - Solano

Name of Institution: CSP - Solano

P.O. Box

Address: Vacaville, CA. 95696 - 4000

2. For what crime were you given this sentence? (If your petition challenges a sentence for more than one crime, list each crime separately using Penal Code numbers if known. If you are challenging more than one sentence, you should file a different petition for each sentence.)

Child Molestation - 15 counts upon multiple
victims

3. Did you have any of the following?

Arraignment: Yes _____ No ✓

Preliminary Hearing: Yes _____ No ✓

Motion to Suppress: Yes _____ No ✓

4. How did you plead?

Guilty _____ Not Guilty _____ Nolo Contendere _____

Any other plea (specify) NO

5. If you went to trial, what kind of trial did you have?

Jury _____ Judge alone _____ Judge alone on a transcript _____

6. Did you testify at your trial? Yes _____ No _____

7. Did you have an attorney at the following proceedings:

(a) Arraignment Yes _____ No _____

(b) Preliminary hearing Yes _____ No _____

(c) Time of plea Yes _____ No _____

(d) Trial Yes _____ No _____

(e) Sentencing Yes _____ No _____

(f) Appeal Yes _____ No _____

(g) Other post-conviction proceeding Yes _____ No _____

8. Did you appeal your conviction? Yes _____ No _____

(a) If you did, to what court(s) did you appeal?

Court of Appeal Yes _____ No _____

Year: _____ Result: _____

Supreme Court of California Yes _____ No _____

Year: _____ Result: _____

Any other court Yes _____ No _____

Year: _____ Result: _____

(b) If you appealed, were the grounds the same as those that you are raising in this

petition? Yes _____ No _____

(c) Was there an opinion? Yes _____ No _____

(d) Did you seek permission to file a late appeal under Rule 31(a)?
Yes _____ No _____

If you did, give the name of the court and the result:

9. Other than appeals, have you previously filed any petitions, applications or motions with respect to this conviction in any court, state or federal? Yes _____ No ✓

[Note: If you previously filed a petition for a writ of habeas corpus in federal court that challenged the same conviction you are challenging now and if that petition was denied or dismissed with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit for an order authorizing the district court to consider this petition. You may not file a second or subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28 U.S.C. §§ 2244(b).]

(a) If you sought relief in any proceeding other than an appeal, answer the following questions for each proceeding. Attach extra paper if you need more space.

I. Name of Court: _____

Type of Proceeding: _____

Grounds raised (Be brief but specific):

a. _____

b. _____

c. _____

d. _____

Result: _____ Date of Result: _____

II. Name of Court: _____

Type of Proceeding: _____

Grounds raised (Be brief but specific): _____

a. _____

b. _____

c. _____

d. _____

Result: _____ Date of Result: _____

III. Name of Court: _____

Type of Proceeding: _____

Grounds raised (Be brief but specific):

a. _____

b. _____

c. _____

d. _____

Result: _____ Date of Result: _____

IV. Name of Court: _____

Type of Proceeding: _____

Grounds raised (Be brief but specific):

a. _____

b. _____

c. _____

d. _____

Result: _____ Date of Result: _____

(b) Is any petition, appeal or other post-conviction proceeding now pending in any court?

Yes ☒ No ☐
 Name and location of court: Northern District
450 Golden Gate Ave
San Francisco, CA 94102

B. GROUNDS FOR RELIEF

State briefly every reason that you believe you are being confined unlawfully. Give facts to support each claim. For example, what legal right or privilege were you denied? What happened? Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you

1 need more space. Answer the same questions for each claim.

2 [Note: You must present ALL your claims in your first federal habeas petition. Subsequent
3 petitions may be dismissed without review on the merits. 28 U.S.C. §§ 2244(b); McCleskey v. Zant,
4 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).]

5 Claim One: Defamation Of Character

6
7 Supporting Facts: On 2-20-08 I received an envelope from the
8 Attorney Generals Office which was legal mail. Inside was
9 an answer or rather an response from the Attorney
10 General asking the Northern District of CA for an -

11 Claim Two: _____

12
13 Supporting Facts: _____

14
15
16
17 Claim Three: _____

18
19 Supporting Facts: _____

20
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23 If any of these grounds was not previously presented to any other court, state briefly which
24 grounds were not presented and why:

Supporting facts: Continued #2

extension of time and the Northern District granting a 30 day extension. There were three separate parts enclosed in the envelope. One was the Application For Enlargement Of Time To File Answer. Second was Declaration Of Counsel In Support Of Application For Enlargement Of Time To File Answer. Third was the Order.

On the Declaration Of Counsel In Support Of Application For Enlargement Of Time To File Answer on the first page and last paragraph it says "In 2004, petitioner was convicted in Solano County of fifteen counts of various child molestation upon multiple victims. He was sentenced to 18 years and four months in prison. He has unsuccessfully pursued state direct and collateral review.

I was never detained, arrested, or sentenced to any kind of child molestation in 2004 upon any child. In fact I was never detained, arrested, or sentenced in any county on planet earth ever of child molestation.

I was arrested in Alameda County in Oakland, CA. on December 26, 2002 and sentenced to 19 years on April 2, 2004 -

Supporting Facts: Continued #3

for Second Degree Attempted Robbery.

This false accusation and conviction is causing me an undue amount of pain and suffering because the Attorney General now has every convict believing that I'm a child molester. For the Attorney General to be the head lawyer of California and a Professional business person he should know better than to Defame a Persons Character or Slander a persons name. What he is saying is 100% false and a false accusation.

Also Prosecutors misstatement of evidence is a Due Process Violation.

I'm asking that I be issued another Declaration Of Counsel In Support Of Application For Enlargement Of Time To File Answer minus the False Child Molestation accusations which is the last paragraph on first page plus damages in the amount of \$50,000.00 from the Attorney Generals Office.

Also the way it's wrote its like it was done on purpose so I should charge the A.G.

Supporting Facts #4 continued

with Attempted Murder because that isn't just harmless error. The A.G. is saying I was sentenced to a totally different crime than what I'm in here for, and child molesters are not liked in prison or on the outside and there is documented evidence of people being falsely accused and murdered.

1 List, by name and citation only, any cases that you think are close factually to yours so that they
2 are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning
3 of these cases:

4 ① Shively v. Bozanich, supra, 31 Cal 4th 1230, 1238, alleged
5 that she had been defamed by being described as a "felony
6 probationer" in the book A problem of evidence. —

7 Do you have an attorney for this petition?

Yes _____

No ☒

8 If you do, give the name and address of your attorney:

9 _____
10 WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in
11 this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

12 Executed on 3-16-08

13 Date

14 Anthony S. Pope

15 Signature of Petitioner
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(Rev. 6/02)

Supporting Cases: Continued #2

Under the general rule, a new cause of action for defamation arises each time the defamer "repeats or recirculates his original remarks to a new audience. *Ibid.*; Newell, Libel and Slander (2d. ed. 1898 Publication of Deflamatory Matter, § 23 p. 243

- ② Manguso v. Oceanside, Cal. 4th 1230, 1249
- ③ Prosecutors misstatement of Evidence, Due Process Violation
 - a) United States v. Cabrera, 201 F.3d 1243, 1246 (9th Cir. 2000)
 - b) U.S. v. Robledo - Vela, 45 Fed. Appx. 567 (9th Cir. 2002)
- ④ Smith v. Wade (1983) 461 U.S. Punitive damages may be awarded in civil rights action based on reckless or callous disregard of plaintiffs rights.

EXHIBIT COVER PAGE:

Exhibit: A

Description of this exhibit: C 07-0434 CRB (PR)

Application for Enlargement
of Time To File Answer

Number of pages of this exhibit: 3 pages

JURISDICTION: (Check only one)

☐ Municipal Court

☐ Superior Court

☐ Appellate Court

☐ State Supreme Court

☒ United States District Court

☐ United States Circuit Court

☐ United States Supreme Court

☐ California Department of Corrections, 602 Exhibit.

1 EDMUND G. BROWN JR.
Attorney General
2 DANE R. GILLETTE
Chief Assistant Attorney General
3 GERALD A. ENGLER
Senior Assistant Attorney General
4 PEGGY S. RUFFRA
Supervising Deputy Attorney General
5 GREGORY A. OTT
Deputy Attorney General
6 State Bar No. 160803
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7 San Francisco, CA 94102
Telephone: (415) 703-5964
8 Fax: (415) 703-1234
E-mail: gregory.ott@doj.ca.gov
9 Attorneys for Respondent

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12

13 ANTHONY L. POPE,

Petitioner,

14
15 v.

16 D.K. SISTO, Warden,

17 Respondent.
18

C 07-0434 CRB (PR)

**APPLICATION FOR
ENLARGEMENT OF TIME TO
FILE ANSWER**

19
20 For the reasons stated in the accompanying declaration of counsel, respondent hereby
21 requests a thirty-day enlargement of time in which to file its answer or other pleading responsive to
22 the petition for writ of habeas corpus. As explained in the accompanying declaration, counsel has
23 not yet received the entire record of petitioner's state proceedings. Counsel cannot determine
24 whether the petition is timely or exhausted, and cannot yet address petitioner's claim on the merits,
25 even assuming timeliness and exhaustion.

26 Counsel has not contacted petitioner regarding this request, as he is in custody and not
27 represented by counsel.
28

1 WHEREFORE, respondent respectfully requests that this Court grant an enlargement of
2 time, to and including March 12, 2008, in which to file his answer.

3 Dated: February 14, 2008

4 Respectfully submitted,

5 EDMUND G. BROWN JR.
6 Attorney General
7 DANE R. GILLETTE
8 Chief Assistant Attorney General
9 GERALD A. ENGLER
10 Senior Assistant Attorney General
11 PEGGY S. RUFFRA
12 Supervising Deputy Attorney General

13 /s/ Gregory A. Ott
14 GREGORY A. OTT
15 Deputy Attorney General

16 Attorneys for Respondent

17 GAO
18 40218727.wpd
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Pope v. Sisto, Warden**

No.: **C 07-0434 CRB (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004.

On February 15, 2008, I served the attached

APPLICATION FOR ENLARGEMENT OF TIME TO FILE ANSWER

**DECLARATION OF COUNSEL IN SUPPORT OF APPLICATION FOR
ENLARGEMENT OF TIME TO FILE ANSWER**

ORDER

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Francisco, California, addressed as follows:

Anthony LaShawn Pope
CDC No. J-18522
CSP-Solano
P.O. Box 4000
Vacaville, CA 95696-4000

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on February 15, 2008, at San Francisco, California.

S. Agustin
Declarant

/s/ S. Agustin
Signature

EXHIBIT COVER PAGE:

Exhibit: B

Description of this exhibit: C 07-0434 CRB (PR)

Declaration Of Counsel in Support
of Application For Enlargement Of
Time To File Answer

Number of pages of this exhibit: 2 pages

JURISDICTION: (Check only one)

☐ Municipal Court

☐ Superior Court

☐ Appellate Court

☐ State Supreme Court

☒ United States District Court

☐ United States Circuit Court

☐ United States Supreme Court

☐ California Department of Corrections, 602 Exhibit.

1 EDMUND G. BROWN JR.
Attorney General
2 DANE R. GILLETTE
Chief Assistant Attorney General
3 GERALD A. ENGLER
Senior Assistant Attorney General
4 PEGGY S. RUFFRA
Supervising Deputy Attorney General
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E-mail: gregory.ott@doj.ca.gov
9 Attorneys for Respondent

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12

13 ANTHONY L. POPE,

Petitioner,

14
15 v.

16 D.K. SISTO, Warden,

17 Respondent.
18
19

C 07-0434 CRB (PR)

**DECLARATION OF COUNSEL IN
SUPPORT OF APPLICATION FOR
ENLARGEMENT OF TIME TO
FILE ANSWER**

20 I, GREGORY A. OTT, declare under penalty of perjury as follows:

21 I am the California Deputy Attorney General assigned to represent respondent in this case.
22 Respondent's answer was due on February 11, 2008, per this Court's December 14, 2007, Order To
23 Show Cause. I recognize that the instant application is three days beyond its due date, and apologize
24 to the Court and petitioner for an inconvenience caused.

25 I have not previously requested an enlargement of time in this case.

26 In 2004, petitioner was convicted in Solano County of fifteen counts of various child
27 molestation upon multiple victims. He was sentenced to eighteen years and four months in prison.
28 He has unsuccessfully pursued state direct and collateral review.

1 I request an additional thirty days to file my answer for the following reasons. I have not
2 yet received the bulk of the record of petitioner's state conviction and post-conviction proceedings.
3 Because petitioner did not directly appeal from his judgment, no "record on appeal" was generated
4 in state court; this office previously had no record at all of petitioner's conviction. Since receiving
5 this Court's Order to Show Cause, I have begun recreating the record, albeit small—petitioner's
6 judgment is based on a plea—of petitioner's judgment. I have received some, but not all, of the
7 record of petitioner's conviction from the Alameda County Superior Court. I am also still receiving
8 the record of petitioner's numerous state collateral review petitions and orders. At this point, I
9 cannot determine whether the petition is exhausted or timely. Even assuming timeliness and
10 exhaustion, I cannot address petitioner's numerous claims on the merits until I receive the balance
11 of the state record. I anticipate receiving the balance of my requested materials by the end of next
12 week. Should I receive the materials in that time frame, I do not anticipate needing additional time
13 to respond to the answer.

14 I have not contacted petitioner regarding this request, as he is in custody and not
15 represented by counsel.

16 Accordingly, I request that the Court grant respondent to and including March 12, 2008,
17 in which to file its answer or other response to the petition.

18 I declare under penalty of perjury of the laws of the State of California and the United
19 States of America that the foregoing is true and correct. Executed at San Francisco, California on
20 February 14, 2008.

21
22
23 /s/ Gregory A. Ott
24 GREGORY A. OTT
25 Deputy Attorney General
26
27
28

EXHIBIT COVER PAGE:

Exhibit: C

Description of this exhibit: C 07-0434 CRB (PR)

Order

Number of pages of this exhibit: 1 pages

JURISDICTION: (Check only one)

☐ Municipal Court

☐ Superior Court

☐ Appellate Court

☐ State Supreme Court

☒ United States District Court

☐ United States Circuit Court

☐ United States Supreme Court

☐ California Department of Corrections, 602 Exhibit

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11
12 ANTHONY L. POPE,

13 Petitioner,

14 v.

15 D.K. SISTO, Warden,

16 Respondent.
17

C 07-0434 CRB (PR)

ORDER

18 GOOD CAUSE APPEARING, it is hereby ordered that Respondent may have until March
19 12, 2008, to file his answer to the petition for writ of habeas corpus. If Petitioner wishes to respond
20 to the answer, he shall do so by filing a traverse with the Court and serving it on Respondent within
21 thirty days of service of the answer.

22 Respondent may file a motion to dismiss on procedural grounds in lieu of an answer. If
23 Respondent files such a motion, Petitioner shall file with the court and serve on Respondent an
24 opposition or statement of nonopposition within thirty days of receipt of the motion, and Respondent
25 shall file with the court and serve on Petitioner a reply within fifteen days of receipt of any
26 opposition.

27 DATED: _____, 2008.
28

CHARLES R. BREYER
United States District Judge

EXHIBIT COVER PAGE:

Exhibit: D

Description of this exhibit:

12/30/02 Arraignment paper

Superior court of County of Alameda (Oakland, CA)

Complaint # 483088

People of state of CA vs. Anthony L. Pope

Number of pages of this exhibit: 5 pages

JURISDICTION: (Check only one)

☐ Municipal Court

☐ Superior Court

☐ Appellate Court

☐ State Supreme Court

☒ United States District Court

☐ United States Circuit Court

☐ United States Supreme Court

☐ California Department of Corrections, 602 Exhibit

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA,
WILEY W. MANUEL COURTHOUSE

PEOPLE OF THE STATE OF CALIFORNIA

v.

ANTHONY POPE

Defendant(s).

NO.
COMPLAINT

483038

PFN: AOS576

CEN: 280411

DEC 30 2002

Defina Wade

The Undersigned, being sworn says, on Information and belief, that ANTHONY POPE did, in the County of Alameda, State of California, on or about December 26, 2002, commit a Felony, to wit: ATTEMPTED SECOND DEGREE ROBBERY, a violation of section 211 of the PENAL CODE of California, in that said defendant(s) did unlawfully, and by means of force and fear take personal property from the person, possession, and immediate presence of ADRIANA LOPEZ.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

FIRST PRIOR CONVICTION AS TO DEFENDANT POPE

The undersigned further alleges that before the commission of the offense specified above, said defendant ANTHONY POPE, on or about August 16, 1994, was convicted in the Superior Court of the State of California, in and for the County of CONTRA COSTA, of the crime of a Felony, to wit: SECOND DEGREE ROBBERY, a violation of section 211 of the PENAL CODE of California, and received a prison term therefor.

3 STRIKES (TWO PRIORS)

It is further alleged as to count one that the above prior conviction is within the purview of Penal Code sections 1170.12(c)(2)(A) and 667(e)(2)(A).

CAL PRIOR-SERIOUS FELONY

It is further alleged as to count one that the above prior conviction is within the purview of Penal Code section 667(a)(1).

SECOND PRIOR CONVICTION AS TO DEFENDANT POPE

The undersigned further alleges that before the commission of the offense specified above, said defendant ANTHONY POPE, on or about April 20, 1994, was convicted in the Superior Court of the State of California, in and for the County of ALAMEDA, of the crime of a Felony, to wit: SECOND DEGREE ROBBERY, a violation of section 211 of the PENAL CODE of California, and received a prison term therefor.

3 STRIKES (TWO PRIORS)

It is further alleged as to count one that the above prior conviction is within the purview of Penal Code sections 1170.12(c)(2)(A) and 667(e)(2)(A).

CAL PRIOR-SERIOUS FELONY

It is further alleged as to count one that the above prior conviction is within the purview of Penal Code section 667(a)(1).

THIRD PRIOR CONVICTION AS TO DEFENDANT POPE

The undersigned further alleges that before the commission of the offense specified above, said defendant ANTHONY POPE, on or about April 20, 1994, was convicted in the Superior Court of the State of California, in and for the County of ALAMEDA, of the crime of a Felony, to wit: SECOND DEGREE ROBBERY, a violation of section 211 of the PENAL CODE of California, and received a prison term therefor.

3 STRIKES (TWO PRIORS)

It is further alleged as to count one that the above prior conviction is within the purview of Penal Code sections 1170.12(c)(2)(A) and 667(e)(2)(A).

CAL PRIOR-SERIOUS FELONY

It is further alleged as to count one that the above prior conviction is within the purview of Penal Code section 667(a)(1).

FOURTH PRIOR CONVICTION AS TO DEFENDANT POPE

The undersigned further alleges that before the commission of the offense specified above, said defendant ANTHONY POPE, on or about September 1, 1987, was convicted in the Superior Court of the State of California, in and for the County of ALAMEDA, of the crime of a Felony, to wit: FIRST DEGREE RESIDENTIAL BURGLARY, a violation of section 459 of the PENAL CODE of California, and received a prison term therefor.

3 STRIKES (TWO PRIORS)

It is further alleged as to count one that the above prior conviction is within the purview of Penal Code sections 1170.12(c)(2)(A) and 667(e)(2)(A).

CAL PRIOR-SERIOUS FELONY

It is further alleged as to count one that the above prior conviction is within the purview of Penal Code section 667(a)(1).

FIFTH PRIOR CONVICTION AS TO DEFENDANT POPE

The undersigned further alleges that before the commission of the offense specified above, said defendant ANTHONY POPE, on or about September 1, 1987, was convicted in the Superior Court of the State of California, in and for the County of ALAMEDA, of the crime of a Felony, to wit: FIRST DEGREE RESIDENTIAL BURGLARY, a violation of section 459 of the PENAL CODE of California, and received a prison term therefor.

3 STRIKES (TWO PRIORS)

It is further alleged as to count one that the above prior conviction is within the purview of Penal Code sections 1170.12(c)(2)(A) and 667(e)(2)(A).

CAL PRIOR-SERIOUS FELONY

It is further alleged as to count one that the above prior conviction is within the purview of Penal Code section 667(a)(1).

SIXTH PRIOR CONVICTION AS TO DEFENDANT POPE

The undersigned further alleges that before the commission of the offense specified above, said defendant ANTHONY POPE, on or about September 1, 1987, was convicted in the Superior Court of the State of California, in and for the County of ALAMEDA, of the crime of a Felony, to wit: FIRST DEGREE RESIDENTIAL BURGLARY, a violation of section 459 of the PENAL CODE of California, and received a prison term therefor.

3 STRIKES (TWO PRIORS)

It is further alleged as to count one that the above prior conviction is within the purview of Penal Code sections 1170.12(c)(2)(A) and 667(e)(2)(A).

CAL PRIOR-SERIOUS FELONY

It is further alleged as to count one that the above prior conviction is within the purview of Penal Code section 667(a)(1).

SEVENTH PRIOR CONVICTION AS TO DEFENDANT POPE

The undersigned further alleges that before the commission of the offense specified above, said defendant ANTHONY POPE, on or about September 1, 1987, was convicted in the Superior Court of the State of California, in and for the County of ALAMEDA, of the crime of a Felony, to wit: FIRST DEGREE RESIDENTIAL BURGLARY, a violation of section 459 of the PENAL CODE of California, and received a prison term therefor.

3 STRIKES (TWO PRIORS)

It is further alleged as to count one that the above prior conviction is within the purview of Penal Code sections 1170.12(c)(2)(A) and 667(e)(2)(A).

CAL PRIOR-SERIOUS FELONY

It is further alleged as to count one that the above prior conviction is within the purview of Penal Code section 667(a)(1).

EIGHTH PRIOR CONVICTION AS TO DEFENDANT POPE

The undersigned further alleges that before the commission of the offense specified above, said defendant ANTHONY POPE, on or about April 3, 1990, was convicted in the Superior Court of the State of California, in and for the County of CONTRA COSTA, of the crime of a Felony, to wit: FIRST DEGREE RESIDENTIAL BURGLARY, a violation of section 459 of the PENAL CODE of California, and received a sentence of probation therefor.

3 STRIKES (TWO PRIORS)

It is further alleged as to count one that the above prior conviction is within the purview of Penal Code sections 1170.12(c)(2)(A) and 667(e)(2)(A).

CAL PRIOR-SERIOUS FELONY

It is further alleged as to count one that the above prior conviction is within the purview of Penal Code section 667(a)(1).

NINTH PRIOR CONVICTION AS TO DEFENDANT POPE

The undersigned further alleges that before the commission of the offense specified above, said defendant ANTHONY POPE, on or about September 14, 1994, was convicted in the Superior Court of the State of California, in and for the County of LASSEN, of the crime of a Felony, to wit: SECOND DEGREE ROBBERY, a violation of section 211 of the PENAL CODE of California, and received a prison term therefor.

CAL PRIOR-SERIOUS FELONY

It is further alleged as to count one that the above prior conviction is within the purview of Penal Code section 667(a)(1).

3 STRIKES (TWO PRIORS)

It is further alleged as to count one that the above prior conviction is within the purview of Penal Code sections 1170.12(c)(2)(A) and 667(e)(2)(A).

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defendant's counsel provide discovery to the People as required by Penal Code Section 1054.3.

Complainant therefore prays that a warrant issue and that said defendant(s) be dealt with according to law.

Subscribed and sworn to before me,
Monday, December 30, 2002

Sgt. E. Treacy
/s/ Oakland PD-02-120533

Sandra L. Quist
SANDRA L. QUIST
Assistant District Attorney
State Bar #72309 sq
Alameda County, California

Anthony L. Pope 3-18-08
CSP - Solano 1-244-U
P Box 4000
Vacaville, CA 95698-4800
WIN



RECEIVED

MAR 18 2008

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NORTHERN DISTRICT OF CALIFORNIA

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